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April 26, 2011

(Via ECF only)

Honorable A. Kathleen Tomlinson  
Magistrate Judge, U.S. District Court  
Alfonse D'Amato Courthouse  
100 Federal Plaza  
Central Islip, New York 11722-4438

**Re: JDM Long Island LLC v. Bank of America, N.A.**  
**Civil Action No.:10-CV-5564**

Dear Judge Tomlinson:

I appeared before Your Honor in the above matter yesterday. In reviewing your civil conference minute order, I saw that there is a notation that Joseph Moinian and David Moinian did not appear as counterclaim defendants. The Moinians are principals of JDM Long Island LLC ("JDM"), and I previously submitted a reply to the counterclaim on behalf of JDM, Joseph Moinian and David Moinian on March 14, 2011 (ECF#26).

In making my appearance yesterday, I should have expressly noted my representation of the Moinians in conjunction with JDM, and I apologize for any confusion this may have caused.

Honorable A. Kathleen Tomlinson  
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Accordingly for all further purposes it should be referenced that my firm and I represent JDM and the Moinians on the counterclaims. Indeed, the Case Management and Scheduling Order contemplates discovery in connection with the claims against the Moinians.

Respectively yours,



Kevin J. Nash, Esq.

Cc: Jeffrey Wang, Esq. (Via ECF only)  
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